## REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested.

### I. STATUS OF THE CLAIMS

None of the claims are amended herein.

Claims 22-24 are "objected to."

In view of the above, it is respectfully submitted that claims 14-24 are currently pending and under consideration in the present application.

### II. REJECTION OF CLAIMS 14 AND 15 UNDER 35 U.S.C. § 102(E) AS BEING ANTICIPATED BY OMORI (USP# 6,438,087)

The present invention as recited in claim 14 relates to an optical disc reproduction apparatus comprising "a damping unit to absorb shock when the tray is unloaded from the main body."

Omori discloses a disc tray 2, which is guided by a plurality of tray guides 15 formed combinedly on an inside of right and left side plates 14a of a chassis 14. A lift frame 16 is attached on the bottom 14b of the chassis. Insulators (dampers) 19 and 20 are fixed to the lift frame 16. See column 1, lines 50-67 and FIG. 4 of Omori.

The Examiner believes that the insulators 19 and 20 of Omori are the same as the claimed damping unit. Moreover, the Examiner asserts that "when the tray is in the process of being ejected from the housing main body..., the damper members minimize the vibration transmitted to the chassis 16, since the vibration damper is located between connection portion 18 and portion 23 and when the chassis moves downward when the tray is unloaded, the vibration from 23 contacting portion base 14b is minimized due to the intervening damper 20, as is well recognized by those skill in the art."

However, it is respectfully submitted that the Examiner's assertion is not supported by the teachings of Omori. Moreover, there is no portion of Omori that discloses that the insulators 19 and 20 of Omori are used to absorb shock when the tray 2 is unloaded. In fact, as indicated in column 2, lines 56-66, when the disc tray 2 is unloaded, the lift frame 16 is driven in the downward direction ($c_2$) and does not allow the insulators 19 and 20 to come in contact with the disc tray 2. Therefore, it cannot be suggested that one skilled in the art would recognize that the insulators 19 and 20 are the same as the claimed damping unit to absorb shock when a tray

is unloaded as recited in claim 14 of the present invention.

Claim 15 depends from claim 14. Thus, for at least the reason that claim 14 distinguishes over the cited prior art, it is respectfully submitted that claim 15 also distinguishes over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

## III. REJECTION OF CLAIMS 16-21 UNDER 35 U.S.C. § 102(B) AS BEING ANTICIPATED BY KUROSU (USP# 5,123,005)

The present invention as recited in claim 16, for example, relates to an optical disc changer comprising "a damper to absorb an impact when the stop member and the hook step bump against each other."

As indicated in the previous response filed January 16, 2004, Kurosu teaches that a pull-in and pull-out speed of a disc tray is controlled in order to reduce shock.

On page 6 of the Office Action, the Examiner asserts that Kurosu clearly and without question discloses a damping unit that anticipates the present invention. Further, on page 8 of the Office Action, the Examiner states a *prima facie* case of anticipation in view of the cited prior art is maintained, as it pertains to the rejected claims. The Examiner also states that the preponderance of evidence weighs most heavily in favor of anticipation within the meaning of 35 U.S.C. § 102.

In light of the Examiner's comments as pointed out above and on pages 6-8 of the Office Action, it is respectfully submitted that claims 16-21 are not anticipated by the Kurosu reference. As indicated in MPEP § 2131, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Also, "the identical invention must be shown in as complete detail as in contained in the claim." Thus, the Examiner's comments regarding the teachings of Kurosu are not founded or supported by the disclosure of Kurosu. Instead, the Examiner relies on broad conclusory statements, subjective belief, and unknown authority.

On page 6 of the Office Action, the Examiner states that Kurosu provides a damper on the stopper member 6, which is elastic and absorbs impact between the abutting member 14 and the portion of the chassis on which the elastic portion of the stopper member 6 is mounted. The Examiner also states that "a damper (elastic member of element (6)) to absorb an impact when the stop member (14) and the hook step (mounting portion of (6)) bump against each other."

It is noted here that the Examiner refers to the stopper member 6 and the abutting member 14 of Kurosu as being a stop member in order to suggest the Kurosu discloses the claimed damper as recited in claim 16 of the present invention. However, Kurosu discloses a stopper member 6 and an abutting member 14, which are different elements. Here, it is noted again that the Examiner relies on broad conclusory statements and unknown authority because such evidence as asserted by the Examiner is not found or supported by the disclosure of Kurosu. Moreover, it is respectfully submitted that there is no portion of Kurosu that discloses or suggests that the stopper member 6 is provided with a damper. Therefore, Kurosu does not disclose the features recited in claim 16.

Claims 17-21 depend from claim 16. Thus, for at least the reason that claim 16 distinguishes over the cited prior art, it is respectfully submitted that claims 17-21 also distinguish over the cited prior art.

In view of the above, it is respectfully submitted that the rejection is overcome.

## IV. CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Response, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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